

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ANTONIO J. MITCHELL,

Plaintiff,

Case No. _____

v.

Hon. _____

ITT TECHNICAL INSTITUTE, a
Delaware Corporation,

Removal of Macomb County Circuit

Court Case No. 2015-000847-CZ

Defendant.

/

Antonio J. Mitchell
Plaintiff Pro Per
16165 Forest Ave.
Eastpointe, MI 48021
248.979.2587

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.
Sonal Hope Mithani (P51984)
Attorney for Defendant
101 North Main Street, 7th Floor
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NOTICE OF REMOVAL BASED ON DIVERSITY JURISDICTION

Defendant ITT Technical Institute (“ITT”), hereby removes this action from the Sixteenth Circuit Court located in Macomb County, State of Michigan, to the

United States District Court for the Eastern District of Michigan, Southern Division. The basis of federal subject matter jurisdiction is diversity of citizenship.

1. Plaintiff Antonio J. Mitchell (“Plaintiff”) filed this action in the Sixteenth Circuit Court located in Macomb County, State of Michigan. In his Complaint, Plaintiff asserts violations of the Michigan Consumer Protection Act. Plaintiff served a summons and a copy of the Complaint on ITT by mail on or about March 17, 2015.

2. Federal district courts “have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between . . . citizens of different States.” 28 U.S.C. § 1332(a)(1).

3. Plaintiff was, at the time of the filing of this suit, and is, as of the date of this Notice of Removal, a resident of the city of Eastpointe, Macomb County, MI. (Complaint ¶ 2.)

4. ITT was, at the time Plaintiff filed and served the Complaint, and is as of the date of this Notice of Removal, a Delaware corporation with its principal place of business in Carmel, Indiana. (Complaint ¶ 3).

5. Because Plaintiff is a Michigan citizen and defendant is a Delaware corporation with its principal place of business in Indiana, there is complete diversity of citizenship.

6. Plaintiff's Complaint shows that Plaintiff is seeking approximately \$100,000 in damages, exclusive of fees and costs. Accordingly, the amount in controversy exceeds \$75,000.

7. Based on the foregoing legal standards and the allegations set forth in the Complaint and herein, this Court has original jurisdiction over this action under 28 U.S.C. § 1332(a)(1).

8. ITT will file a copy of this notice with the Macomb County Circuit Court as required by 28 U.S.C. § 1446(d).

9. Attached to this Notice is a copy of Plaintiff's Summons and Complaint (Ex. "A"), the only pleading filed in this action to date.

WHEREFORE, for the reasons stated herein, Defendant ITT is entitled to and hereby does remove this action to the United States District Court for the Eastern District of Michigan, Southern Division under 28 U.S.C. § 1441.

Respectfully submitted,

s/Sonal Hope Mithani
Sonal Hope Mithani (P51984)
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Dated: April 9, 2015

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2015, I electronically filed the foregoing paper with the Clerk of the court using the ECF system and that I have mailed the document by United States Postal Service to:

Antonio J. Mitchell
16165 Forest Ave.
Eastpointe, MI 48021

s/Sonal Hope Mithani
Sonal Hope Mithani (P51984)
MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

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